

**§ 276a-1. Termination of work on failure to pay agreed wages; completion of work by Government**

Every contract within the scope of sections 276a to 276a-5 of this title shall contain the further provision that in the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(Mar. 3, 1931, ch. 411, §2, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 276a-2. Payment of wages by Comptroller General from withheld payments; listing contractors violating contracts**

(a) The Comptroller General of the United States is authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to sections 276a to 276a-5 of this title; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.

(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required pursuant to sections 276a to 276a-5 of this title, such laborers and mechanics shall have the right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(Mar. 3, 1931, ch. 411, §3, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 276a-3. Effect on other Federal laws**

Sections 276a to 276a-5 of this title shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.

(Mar. 3, 1931, ch. 411, §4, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

**§ 276a-4. Effective date of sections 276a to 276a-5**

Sections 276a to 276a-5 of this title shall take effect thirty days after August 30, 1935, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding on August 30, 1935.

(Mar. 3, 1931, ch. 411, §5, as added Aug. 30, 1935, ch. 825, 49 Stat. 1013.)

**§ 276a-5. Suspension of sections 276a to 276a-5 during emergency**

In the event of a national emergency the President is authorized to suspend the provisions of sections 276a to 276a-5 of this title.

(Mar. 3, 1931, ch. 411, §6, as added Aug. 30, 1935, ch. 825, 49 Stat. 1013.)

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, §3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

**§ 276a-6. Omitted**

CODIFICATION

Section, act Mar. 3, 1931, ch. 411, §7, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011, provided that the funds made available by the Emergency Relief Appropriation Act of 1935 (act Apr. 8, 1935, ch. 48, 49 Stat. 115) should be available for the fiscal year ending June 30, 1936, for administrative expenses under sections 276a to 276a-5 of this title.

**§ 276a-7. Application of sections 276a to 276a-5 to contracts entered into without regard to section 5 of title 41**

The fact that any contract authorized by any Act is entered into without regard to section 5 of title 41, or upon a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, shall not be construed to render inapplicable the provisions of sections 276a to 276a-5 of this title, if such Act would otherwise be applicable to such contract.

(Mar. 23, 1941, ch. 26, 55 Stat. 53; Aug. 21, 1941, ch. 395, 55 Stat. 658.)

**§ 276b. Repealed. June 25, 1948, ch. 645, §21, 62 Stat. 862**

Section, act June 13, 1934, ch. 482, §1, 48 Stat. 948, related to extortion from persons employed in construc-

tion of building or works financed by United States. See section 874 of Title 18, Crimes and Criminal Procedure.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, pursuant to section 20 of act June 25, 1948.

### § 276c. Regulations governing contractors and subcontractors

The Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States, including a provision that each contractor and subcontractor shall furnish weekly a statement with respect to the wages paid each employee during the preceding week. Section 1001 of title 18 shall apply to such statements.

(June 13, 1934, ch. 482, § 2, 48 Stat. 948; May 24, 1949, ch. 139, § 134, 63 Stat. 108; Aug. 28, 1958, Pub. L. 85-800, § 12, 72 Stat. 967.)

#### AMENDMENTS

1958—Pub. L. 85-800 substituted “statement” for “sworn affidavit” and inserted sentence making section 1001 of title 18 applicable to statements.

1949—Act May 24, 1949, amended section generally and substituted provision that regulations be made by the Secretary of Labor for provision that regulations be made by the Secretary of the Interior and Secretary of the Treasury jointly.

#### ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

#### CROSS REFERENCES

Public library construction, application of section to, see section 355c of Title 20, Education.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 330, 808 of this title; title 20 sections 954, 956, 1232b, 4305, 4332, 8509; title 25 sections 450e, 450j; title 29 sections 776, 1553; title 31 section 6703; title 33 section 1372; title 39 section 410; title 40 App. section 402; title 42 sections 254b, 254c, 291e, 300j-9, 300s-1, 300t-12, 1440, 1486, 1592i, 2297b-11, 2297g-3, 2992a, 3027, 3107, 3222, 5046, 5196, 5310, 5919, 6042, 6063, 6371j, 6708, 6728, 6881, 6979, 7614, 9604; title 49 section 5333; title 50 App. sections 2095, 2096.

### § 276d. Purpose

It is the purpose of sections 276d to 276d-3 of this title to promote and provide opportunities for people who wish to volunteer their services to State or local governments, public agencies, or nonprofit charitable organizations in the construction, repair or alteration (including painting and decorating) of public buildings and public works that are funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs and that might not otherwise be possible without the use of volunteers.

(Pub. L. 103-355, title VII, § 7302, Oct. 13, 1994, 108 Stat. 3382.)

#### REFERENCES IN TEXT

Sections 276d to 276d-3 of this title, referred to in text, was in the original “this subtitle”, meaning subtitle C (§§ 7301-7306) of title VII of Pub. L. 103-355, Oct. 13, 1994, 108 Stat. 3382, which enacted this section, sections 276d-1 to 276d-3 of this title, and provisions set out as notes below. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

#### SHORT TITLE

Section 7301 of title VII of Pub. L. 103-355 provided that: “This subtitle [subtitle C (§§ 7301-7306) of title VII of Pub. L. 103-355, enacting this section, sections 276d-1 to 276d-3 of this title, and provisions set out below] may be cited as the ‘Community Improvement Volunteer Act of 1994.’”

#### REPORT ON USE OF VOLUNTEERS BY FOR-PROFIT ENTITIES

Section 7306 of title VII of Pub. L. 103-355 provided that: “Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

“(1) to the maximum extent practicable—

“(A) identifies and assesses the barriers that prevent private for-profit entities from using volunteers permitted under this subtitle [subtitle C (§§ 7301-7306) of title VII of Pub. L. 103-355, see Short Title note above]; and

“(B) assesses whether private for-profit entities should be permitted to use volunteers on projects relating to the construction, repair, or alteration of public buildings and public works if—

“(i) such volunteers are performing services for civic, charitable, humanitarian or educational reasons;

“(ii) the contribution of such services is not for the direct or indirect benefit of the private for-profit entity that is performing or seeking to perform work on such projects; and

“(iii) such projects would not otherwise be possible without the use of volunteers; and

“(2) contains recommendations with respect to other Acts related to the Davis-Bacon Act [40 U.S.C. 276a et seq.] that may be considered in legislation to permit volunteer work.”

### § 276d-1. Waiver for individuals who perform volunteer services for public entities

#### (a) In general

The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the “Davis-Bacon Act”) (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in section 276d-3 of this title shall not apply to an individual—

(1) who volunteers—

(A) to perform a service directly to a State or local government or a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b) of this section), but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from any employer;